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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 BRIAN WADE,

9 Plaintiff,

10 vs.

11 DORIS PARENTEAU, *et al.*,

12 Defendants.
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Case No. 2:16-cv-00129-JCM-GWF

ORDER

14 This matter is before the Court on Plaintiff's Motion for Leave to File Exhibits Under Seal
15 (ECF No. 70), filed on July 31, 2017.

16 Plaintiff requests leave to file Exhibits 3, 4, 5, and 8 to his response to Defendant Parentau's
17 Motion for Summary Judgment under seal. The Ninth Circuit comprehensively examined the
18 presumption of public access to judicial files and records in *Kamakana v. City and County of*
19 *Honolulu*, 447 F.3d 1172 (9th Cir. 2006). There, the court recognized that different interests are at
20 stake in preserving the secrecy of materials produced during discovery and materials attached to
21 dispositive motions. The *Kamakana* court held that a "good cause" showing is sufficient to seal
22 documents produced during discovery. *Id.* at 1180. However, the *Kamakana* decision also held that
23 a showing of "compelling reasons" is needed to support the secrecy of documents attached to
24 dispositive motions. A showing of "good cause" does not, without more, satisfy the "compelling
25 reasons" test required to maintain the secrecy of documents attached to dispositive motions. *Id.*

26 To meet the compelling reasons standard, the moving party "must overcome a strong
27 presumption of access by showing that compelling reasons supported by specific factual findings
28 outweigh the general history of access and the public policies favoring disclosure." *Dish Network*

1 *L.L.C.*, 2009 WL 2224596 at *7 (citing *Pintos*, 565 F.3d at 1116); *see also Kamakana*, 447 F.3d at
2 1179–80. “Under the ‘compelling reasons’ standard, a district court must weigh relevant factors, base
3 its decision on a compelling reason, and articulate a factual basis for its ruling without relying on
4 hypothesis or conjecture.” *Id.* “Relevant factors include the public interest in understanding the
5 judicial process and whether disclosure of the material could result in improper use of the material for
6 scandalous or libelous purposes or infringement upon trade secrets.” *Id.*

7 Plaintiff seeks to file a booking summary, presentence reports, and disciplinary history of a
8 non-party inmate under seal. The Court finds that both good cause and compelling reasons exist to
9 seal the exhibits. On balance, the potential harm of disclosure of confidential information contained
10 in the presentence reports, booking summary, and disciplinary history of an inmate who is not a party
11 to this matter outweighs the public’s right to access the documents. The Court, therefore, grants
12 Plaintiff’s request to seal Exhibits 3, 4, 5, and 8 to his response to Defendant’s Motion for Summary
13 Judgment. Accordingly,

14 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Leave to File Exhibits Under Seal
15 (ECF No. 70) is **granted**.

16 DATED this 3rd day of August, 2017.

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19 GEORGE FOLEY, JR.
20 United States Magistrate Judge
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